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PATENT TRADEMARK OFFICE

Patent
Case No.: 55814US0044403
#7
Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: CHOU, YEUN-JONG
Application No.: 09/954751 Group Art Unit: 3723
Filed: September 18, 2001 Examiner: Maurina T. Rachuba
Title: UNITARY BRUSH HAVING ABRASIVE COATED BRISTLES AND METHOD
OF MAKING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

CERTIFICATE OF TRANSMISSION

To Fax No.: 703-872-9302

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

April 2, 2003
DateLisa Hengen
Signed by: Lisa Hengen

Dear Sir:

This response is to the Office Action mailed March 13, 2003. Claims 1-16 have been restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-13 are said to be drawn to a product, classified in Class 451, subclass 466; and
- II. Claims 14-16 are said to be drawn to a method of making a product, classified in Class 51, subclass 295.

Applicants hereby elect Group I (i.e., claims 1-13) with traverse, and respectfully request reconsideration and withdrawal or modification of the restriction requirement.

In Group I, Applicants broadly claim, in independent claim 1, an article comprising a unitary brush having a plurality of bristles, a first coating over at least a portion of at least some of the bristle surfaces and a plurality of abrasive particles secured to at least a portion of at least some of the bristle surfaces via the first coating; and in independent claim 13, an article comprising an injection molded brush having a plurality of bristles, a first coating over at least a portion of at least some of the bristles surfaces, and a plurality of abrasive particles secured to at least a portion of at least some of the bristle surfaces via the first coating.

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The Restriction Requirement (Paper No.7) in Paragraph 2 states:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process, one which does not require that the base and bristles be of the same material, or that the first coating not require curing after application of the abrasive.

Applicants submit the Groups I and II claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Groups I and II claims in different classes and subclasses is not sufficient grounds to require restriction.


Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Respectfully submitted,

Date

April 2, 2003

By:


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To:

Examiner Maurina T. Rachuba
US PTO

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Remarks: ☐ Urgent ☐ Acknowledge ☐ Reply ASAP ☐ Please
Comment

Examiner Rachuba,

Enclosed is a Response to Restriction Requirement.